



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ३९]

सोमवार, सप्टेंबर ९, २०१९/भाद्र १८, शके १९४१

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असाधारण क्रमांक ८६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Nagpur Improvement Trust (Amendment) Ordinance, 2019 (Mah. Ord. XXIII of 2019), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Nagpur Improvement Trust (Amendment) Ordinance, 2019 (Mah. Ord. XXIII of 2019), published under the authority of the Governor].

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 9th September 2019.

MAHARASHTRA ORDINANCE No. XXIII OF 2019.

AN ORDINANCE

further to amend the Nagpur Improvement Trust Act, 1936.

WHEREAS both Houses of the State Legislature are not in session;

C. P. and Berar
XXVI of 1936. AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Nagpur Improvement Trust Act, 1936, for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title and commencement.

1. (1) This Ordinance may be called the Nagpur Improvement Trust (Amendment) Ordinance, 2019.

(2) It shall come into force at once.

Amendment of section 121 of C. P. and Berar XXXVI of 1936.

2. In section 121 of the Nagpur Improvement Trust Act, 1936 (hereinafter referred to as “the principal Act”),—

C. P. and Berar XXXVI of 1936.

(a) in sub-section (1), after the words “or have been so far executed” the words “or transferred to the Corporation or any development authority which has been established by the State Government under any Act so” shall be inserted ;

(b) in sub-section (2),—

(i) in clause (a), after the words “by the Corporation” the words and figures “or the Nagpur Metropolitan Region Development Authority established under the Maharashtra Metropolitan Region Development Authority Act, 2016, in the manner as the State Government may, by an order, determine” shall be inserted ;

Mah. III of 2017.

(ii) in clause (b), after the words “the Corporation” the words and figures “or the Nagpur Metropolitan Region Development Authority established under the Maharashtra Metropolitan Region Development Authority Act, 2016, in the manner as the State Government may, by an order, determine” shall be inserted ;

Mah. III of 2017.

(iii) in clause (c), after the words “the Corporation” the words and figures “or the Nagpur Metropolitan Region Development Authority established under the Maharashtra Metropolitan Region Development Authority Act, 2016, in the manner as the State Government may, by an order, determine” shall be inserted ;

Mah. III of 2017.

(iv) in clause (d), after the words “the Corporation” the words and figures “or the Nagpur Metropolitan Region Development Authority established under the Maharashtra Metropolitan Region Development Authority Act, 2016, in the manner as the State Government may, by an order, determine” shall be inserted.

Mah. III of 2017.

Insertion of section 123 in C.P. and Berar XXXVI of 1936. Savings.

3. After section 122 of the principal Act, the following section shall be inserted, namely :—

“ 123. Notwithstanding the dissolution of the Trust and transfer of assets, rights, liabilities or powers under section 121,—

(a) all rules and bye-laws made, all appointments made, notifications and orders issued and licenses and permissions granted, tenders issued, lease-deeds executed and renewed under the Act, shall, until altered, repealed or amended, continue to be in force ;

(b) all contracts and agreements entered into or executed and all things done, by or with the Trust incorporated under the Act shall be deemed to have been entered into, executed or done by or with the Municipal Corporation of City of Nagpur deemed to be constituted under the Maharashtra Municipal Corporations Act or the Nagpur Metropolitan Region Development Authority established under the Maharashtra Metropolitan Region Development Authority Act, 2016, as the case may be ;

LIX of 1949.

Mah. III of 2017.

(c) out of all properties, funds and other assets vested in and all rights and liabilities of the Trust incorporated under the Act, certain properties, funds and assets shall vest and devolve on the Municipal Corporation of the City of Nagpur or the Nagpur Metropolitan Region Development Authority, as may be determined by the State Government ;

(d) all kinds of rent, sums of money due to the Trust in respect of any properties or rights shall be due to the Municipal Corporation of the City of Nagpur or the Nagpur Metropolitan Region Development Authority, as the case may be ;

(e) all suits or legal proceedings, civil or criminal, instituted or which might but for the commencement of this Ordinance, have been instituted by or against the Trust or against its officers thereof may be continued or instituted save as otherwise provided by or against the Municipal Corporation of the City of Nagpur or Nagpur Metropolitan Region Development Authority, as the case may be ;

(f) the Improvement Schemes, which are yet to be completed or executed by the Trust, shall be handed-over to the Municipal Corporation of the City of Nagpur or the Nagpur Metropolitan Region Development Authority, as may be directed by the State Government ;

(g) wherever the reference of "the Chairman" appear in the Act, Rules, Notification or any instrument, the same shall be construed reference as "the Commissioner, the Municipal Corporation of City of Nagpur" or "the Metropolitan Commissioner, Nagpur Metropolitan Region Development Authority", as the case may be ;

(h) anything done or any action taken as per the provisions of the Act, shall be deemed to have been done or taken under the corresponding provisions of the Maharashtra Municipal Corporations Act or the Maharashtra Metropolitan Region Development Authority Act, 2016, as the case may be."

LIX of 1949.
Mah. III
of 2017.

4. (1) If any difficulty arises in giving effect to the provisions of the principal Act, as amended by this Ordinance, the State Government may, as occasion arises, by an order published in the *Official Gazette*, give such directions not inconsistent with the provisions of the principal Act, as amended by this Ordinance, as may appear to it to be necessary or expedient for the purposes of removing the difficulty.

Removal of
difficulty.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

STATEMENT

Section 121 of the Nagpur Improvement Trust Act, 1936 (C. P. and Berar XXXVI of 1936), provides for dissolution of the Trust and transfer of its assets and liabilities to the Municipal Corporation for the City of Nagpur. The Government has established the Nagpur Metropolitan Region Development Authority under the Maharashtra Metropolitan Region Development Authority Act, 2016 (Mah. III of 2017). Some of the areas, where the Nagpur Improvement Trust is currently a Planning Authority, are outside the area of operation of the Municipal Corporation for the City of Nagpur. In case of dissolution of the Trust, the exigencies of administration require that the assets, liabilities and legal matters of the Nagpur Improvement Trust are transferred either to the Municipal Corporation of the City of Nagpur or the Nagpur Metropolitan Region Development Authority, as the case may be. To enable the transfer of assets, liabilities and legal matters of the Nagpur Improvement Trust, in case of its dissolution, to the Municipal Corporation for the City of Nagpur and the Nagpur Metropolitan Region Development Authority, it is proposed to amend section 121 of the said Act, suitably and to add new section 123 by way of savings after the existing section 122 of the Act.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Nagpur Improvement Trust Act, 1936 (C. P. and Berar XXXVI of 1936), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 9th September 2019.

BHAGAT SINGH KOSHYARI,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

MANISHA PATANKAR-MHAISKAR,
Principal Secretary to Government.